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for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the FEDERAL REGISTER.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

(d) A petitioner for an abandonment exemption must serve a copy of the petition on the persons receiving notices of exemption under §1152.50(d). The petition must include the following statement: "Based on information in our possession, the line (does) (does not) contain federally granted right-of-way. Any documentation in petitioner's possession will be made available promptly to those requesting it."

(e) As Provided in §1152.29(e)(2), rail carriers that receive authority to abandon a line by individual exemption under 49 U.S.C. 10502 must file with the Board a notice that abandonment has been consummated.

[61 FR 67883, Dec. 24, 1996, as amended at 62 FR 34670, June 27, 1997]

**49 CFR Ch. X (10–1–01 Edition)**

**PARTS 1155–1176 [RESERVED]**

**PARTS 1177–1199—FINANCE  
PROCEDURES**

**PARTS 1177–1179—SECURITIES, SE-  
CURITY INTERESTS AND FINAN-  
CIAL STRUCTURES**

**PART 1177—RECORDATION OF  
DOCUMENTS**

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1177.2 To whom documents should be submitted for recordation.

1177.3 Requirements for submission.

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AUTHORITY: 49 U.S.C. 721, 11301.

SOURCE: 46 FR 54946, Nov. 5, 1981, unless otherwise noted. Redesignated at 47 FR 49592, Nov. 1, 1982.

**§1177.1 Definitions and classifications  
of documents.**

(a) A "primary document" is a mortgage (excluding those under the Ship Mortgage Act of 1920, as amended—46 U.S.C. et seq.), lease, equipment trust agreement, conditional sales agreement, assignment of a lease or leases which have not previously been filed, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of one or more vessels operated subject to Surface Transportation Board jurisdiction, railroad cars, locomotives, or other rolling stock for a use related to interstate commerce.

(b) A "secondary document" is any assignment of rights or interest, supplement, or amendment to any primary or other secondary document. These include releases, discharges, or satisfactions, either total or partial.

**§1177.2 To whom documents should be  
submitted for recordation.**

Documents to be recorded shall be submitted in person or by mail addressed to the Secretary, Surface

## Surface Transportation Board, DOT

## §1177.3

Transportation Board, Washington, DC 20423. All documents submitted by mail should clearly state "Documents for Recordation" on the envelope.

### §1177.3 Requirements for submission.

In order to be accepted for recordation, an original of any primary or secondary document must:

(a) Be in writing and executed by the parties to the document, and acknowledged or verified either in a form:

- (1) Authorized by the law of the state, territory, district or possession where executed for the acknowledgment or verification of deeds of land; or
- (2) Substantially as follows:

#### INDIVIDUAL FORM OF ACKNOWLEDGEMENT

I, (name of signor), certify that I am the person described in and who executed the foregoing instrument and that I acknowledge that I executed the same as my free act and deed. I further declare (certify, verify or state) under penalty of perjury ("under the laws of the United States of America" if executed outside the United States) that the foregoing is true and correct. Executed on (date).

Signature.

or;

#### CORPORATE FORM OF ACKNOWLEDGEMENT

I, (name of signor), certify that I am (title of office) of (name of corporation), that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that the instrument was signed and sealed on behalf of the corporation by authority of its Board of Directors, and that I acknowledge that the execution of the foregoing instrument was the free act and deed of the corporation. I further declare (certify, verify or state) under penalty of perjury ("under the laws of the United States of America" if executed outside the United States of America) that the foregoing is true and correct. Executed on (date).

Signature.

or;

- (3) Substantially as follows:

#### INDIVIDUAL FORM OF ACKNOWLEDGEMENT

State of \_\_\_\_\_

County of \_\_\_\_\_, ss: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, personally appeared (name of signor), to me known to be the person described in and who executed the foregoing instrument and (s)he acknowledged that (s)he

executed the same as his/her free act and deed.  
(SEAL)

Signature of Notary Public \_\_\_\_\_

My Commission expires \_\_\_\_\_

#### Corporate Form of Acknowledgement

State of \_\_\_\_\_  
County of \_\_\_\_\_, ss: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ before me personally appeared (name of signor), to me personally known, who being by me duly sworn, says that (s)he is the (title of office) of (name of corporation), that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and (s)he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.  
(SEAL)

Signature of Notary Public \_\_\_\_\_

My Commission expires \_\_\_\_\_

(b) Be accompanied by at least one fully executed and acknowledged or verified counterpart, or if no counterpart has been executed and acknowledged by the parties, one certified true copy. A certified true copy of an original document is a complete and identical copy in all respects to the original attached with:

- (1) A certificate executed by a notary public, stating that he or she has compared the copy with the original and has found the copy to be complete and identical in all respects to the original document; or

(2) A certification of the filer stating that he or she has compared the copy with the original and found the copy to be complete and identical in all respects to the original document and that he or she declares under penalty of perjury ("under the laws of the United States of America" if executed outside the United States) that the foregoing is true and correct; or

(3) There may be attached to the copy, affidavits, wherein the affidavit states that he or she has compared the copy with the original document and found the copy to be complete and identical in all respects to the original documents.

- (c) Be accompanied by the fee set forth in 49 CFR 1002.2(f)(83). However,